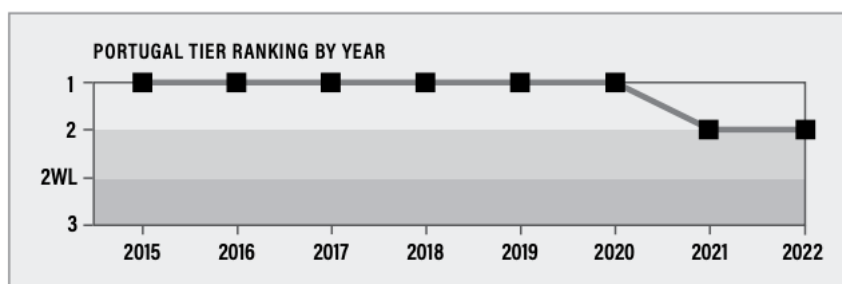


TRAFFICKING IN PERSONS REPORT: PORTUGAL

PORTUGAL: TIER 2

The Government of Portugal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Portugal remained on Tier 2. These efforts included adopting a national identification and referral mechanism specifically for child trafficking victims and simplifying documents for trafficking victims to make them easier to understand. The government also launched a human trafficking awareness campaign for children and established two working groups focused on human trafficking in the fishing sector, while courts awarded restitution to more victims than the year prior. However, the government did not meet the minimum standards in several key areas. The government decreased investigations and prosecutions of alleged traffickers compared with the prior year and did not provide full sentencing data to demonstrate judges were sentencing traffickers with significant penalties. The government identified and assisted fewer victims for the second consecutive year and did not identify any victims among the asylum-seeking population as a result of ongoing gaps in victim identification. The government also continued to lack legal safeguards to protect victims from prosecution for unlawful acts traffickers compelled them to commit and did not report providing compensation to any trafficking victims in 2020.



PRIORITIZED RECOMMENDATIONS:

Improve efforts to proactively identify victims within the country, including Portuguese nationals, children, and sex trafficking victims, by systematically training government officials, particularly immigration police, labor inspectors, and law enforcement, on proactive victim identification among vulnerable groups.

- Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence those convicted to significant prison terms.

- Enact a legal provision on the non-punishment of victims to ensure that trafficking victims are not inappropriately penalized for unlawful acts traffickers compelled them to commit, including administrative and immigration-related offenses.
- Increase trafficking survivor access to damages and compensation and increase prosecutor's efforts to systematically request restitution for survivors during criminal trials, including by training police, prosecutors, and magistrates on victims' right to restitution.
- Allow formal victim identification and referral from entities other than the police, including civil society, social workers, and health care professionals.
- Implement strong regulations and oversight of labor recruitment companies that are consistently enforced by investigating fraudulent labor recruitment and ensuring cases with indicators of labor trafficking are prosecuted under the trafficking statute.
- Allocate additional resources and capacity for labor inspectors to detect labor trafficking.
- Utilize the witness protection program for trafficking victims.
- Enforce the law prohibiting recruitment fees charged to workers and ensure any recruitment fees are paid by employers.
- Increase survivor engagement, including by establishing accessible mechanisms for receiving and providing compensation for survivor input when forming policies, programs, and trainings.
- Increase efforts to pursue financial crime investigations in tandem with human trafficking cases.

PROSECUTION

The government decreased law enforcement efforts. Article 160 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Some child sex trafficking crimes could also be prosecuted under Article 175, which addressed "pimping" crimes; it prescribed penalties of one to 10 years' imprisonment. Article 159 prohibited slavery and prescribed penalties of five to 15 years' imprisonment. In response to the pandemic, the government ordered a national lockdown for three months in 2020, and although some procedural changes were required, the government reported that anti-TIP officials, units, and coordinating bodies continued PORTUGAL 454 to operate in 2020, allowing anti-trafficking efforts to continue unimpeded, including investigations and criminal proceedings in courts. In 2020, the most recent year available for finalized and published government statistics, the Foreigner and Borders Service (SEF) and Criminal Investigation Police (PJ) initiated 94 human trafficking investigations (at least 42 for sex trafficking and at least 40 for labor trafficking) with an additional 97 ongoing cases from prior years. This was a decrease compared with 121 in 2019. Prosecutors initiated legal proceedings against 34 defendants in 2020, a decrease compared with 45 in 2019 but more than 27 in 2018. In 2020, courts convicted 24 traffickers compared with 26 in 2019 and nine in 2018. The government did not provide comprehensive sentences imposed by courts on traffickers

in 2020; however, it reported that judges sentenced at least seven traffickers to one year or longer imprisonment, while one trafficker received a fully suspended sentence. The government did not disaggregate between sex and labor trafficking for prosecutions and convictions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

In 2021, the Prosecutor General released a directive that provided guidelines for the implementation of the Law on Criminal Policy, including specific guidance for investigating and coordinating trafficking cases, victim interviewing, avoiding re-traumatization of victims, and working with vulnerable groups like children and undocumented migrants. The SEF had a specialized trafficking unit, and there were several teams within the PJ who had received special training to investigate trafficking. The SEF reported cooperating in several international investigations through joint action days in 2020, including with Austria, Belgium, Croatia, Cyprus, Europol, Germany, Lithuania, the Netherlands, Romania, Slovenia, Spain, and the United Kingdom, and while there were no trafficking-related results reported in Portugal, there were 346 potential victims identified and 223 suspects arrested in other participating countries. The SEF reported screening for potential trafficking victims at the Lisbon airport in 2020 and reported identifying several potential trafficking victims, at least three suspects, and at least two trafficking networks through this proactive approach. While pandemic-related restrictions hindered many in-person trainings, the government adapted to virtual platforms and reported the ability to reach more officials in doing so. In 2021, the Observatory on Trafficking in Human Beings (OTSH), in collaboration with other governmental entities and government-funded civil society organizations, organized and delivered 20 training activities to approximately 1,950 law enforcement officers, multidisciplinary teams, health care workers, and officials working with children and refugees.

PROTECTION

The government decreased protection efforts. To offer additional protections to trafficking victims during the pandemic, the government categorized actions related to anti-trafficking as an essential activity, absolved trafficking victims of orders mandating restricted movement in emergency situations, and created a website where victims could access services available to them during the pandemic. In 2020, authorities and government-funded NGOs initially classified 228 individuals as possible victims of trafficking (219 in Portugal and nine abroad); however, authorities only “confirmed” 13 as trafficking victims after the conclusion of a criminal investigation. This compared with 44 confirmed victims in both 2019 and 2018 and three in 2017. Of the confirmed victims in 2020, five were female sex trafficking victims, eight were male labor trafficking victims, all were adults, and they were predominantly from Pakistan and Romania. Front-line responders, including police and NGOs, could identify and refer presumed victims to services, but only law enforcement officials or the National Rapporteur could formally “confirm” an individual as a trafficking victim. Law enforcement officials were the primary body responsible for

formal confirmation of trafficking victims, while identification by the National Rapporteur was typically only used in exceptional circumstances. The government reported that police, judges, and prosecutors determined whether to confirm a victim by analyzing evidence and the presence of trafficking indicators. However, experts argued that, in practice, formal identification of trafficking victims depended on the initiation of an investigation and the outcome of criminal proceedings. GRETA reported there was no timeline for authorities to confirm official victim status; the process depended on the duration of the related prosecution. While presumed victims could receive assistance from government-funded NGOs, such as shelter, they were not entitled to all of the same benefits as confirmed victims, including entitlement to a residence permit. Furthermore, if during legal proceedings, law enforcement reclassified the crime as a non-trafficking crime, victims would remain “presumed” rather than confirmed. Since 2013, GRETA has urged the government to ensure the formal identification of trafficking victims did not depend, in practice, on their cooperation with law enforcement and on the presence of sufficient grounds to initiate a criminal case. In 2020, of the original 228 possible victims, NGOs identified 13 “presumed” victims, while an additional 79 victims with continuing investigations continued as “presumed” victims, and the remaining victims were determined not to be trafficking victims—this totaled 92 presumed victims. Of the 92 presumed victims, at least 69 were presumed victims of labor trafficking, mostly in agriculture; six were Portuguese; and five were children. Thirteen confirmed victims and 92 presumed victims in 2020 was a decrease compared with 44 confirmed victims and 130 presumed victims in 2019 and 44 confirmed victims and 67 presumed victims in 2018. Experts raised concerns regarding gaps in the government’s efforts to proactively identify trafficking victims, as the government has not reported identifying any victims among the asylum-seeking population—presumed or confirmed—and there were no Portuguese or children among the confirmed victims.

The government continued to utilize its national victim identification and referral mechanism, which was widely used and distributed to all relevant front-line officials, including NGOs, social service workers, and health care workers. In May 2021, the government adopted a national identification and referral mechanism specifically for child trafficking victims; the mechanism was developed by a multidisciplinary group composed of various ministries, NGOs, and international organizations. The OTSH continued to distribute checklists to law enforcement, NGOs, health care professionals, labor inspectors, and social workers on identifying victims of sex trafficking and forced labor, including victims of forced begging and criminality. The government continued to provide a victim identification handbook to labor inspectors. Upon encountering a potential victim, law enforcement personnel conducted an initial standardized risk assessment and systematically referred individuals deemed vulnerable or at risk to one of five regional government-funded multidisciplinary NGO teams to receive specialized shelter and assistance. The multidisciplinary NGO teams included psychologists and social workers.

In 2021, the government maintained its 2019 and 2020 funding amounts for trafficking shelters, victim repatriation, and the multidisciplinary regional teams at €1.5 million (\$1.7 million), with €1.5 million (\$1.7 million) earmarked each year through 2022. Adult victims and their minor children had the right to shelter; health care; psycho-social, legal, and translation and interpretation services; a reintegration program; and education and employment training. The government provided 23 presumed victims (17 men and six women) with shelter, medical, and psychological services in 2020, a decrease compared with 57 in 2019 and 36 in 2018. Fifteen victims received legal services, eight received training and education, and seven received support with labor market integration in 2020. The government also enrolled four trafficking victims in its reintegration program in 2020, which included accommodation in an independent apartment. The government had five government-funded NGO-operated shelters exclusively for trafficking victims—two for adult female victims and their minor children, two for adult male victims, and one for children. In response to the pandemic, the government implemented additional protective measures for human trafficking victims in shelters, including social distancing and quarantine rooms, which may have reduced overall capacity. Adult victims could leave the shelters at will unless authorities determined victims' safety was at risk. Child victims received care under Portugal's child protection system or through its shelter for child trafficking victims, which could accommodate up to seven children.

The government offered victims a recovery and reflection period of 30 to 60 days, during which they could recover before deciding whether to cooperate with law enforcement. During the recovery and reflection period, victims were entitled to emergency medical treatment, psychological assistance, protection, interpretation, and legal assistance. The government provided funding to assist victims with voluntary PORTUGAL 455 repatriation, which it provided to several victims in 2020. The law also entitled victims to a one-year residence permit if they cooperated with law enforcement or had a personal situation regarding their security, health, family situation, or vulnerability; authorities could renew this permit indefinitely. In 2022, the Council of Ministers passed a resolution that granted temporary protection in the form of one-year residence permits to refugees fleeing Russia's full-scale invasion of Ukraine, which included social benefits, and established a reception and integration mechanism. Of the 25 permits requested by trafficking victims in 2020, 20 temporary residence permits were issued to victims; an increase compared with 16 residence permits issued in 2019. Under Article 109 of the Law 23/2007, presumed victims could obtain a residence permit even if they did not cooperate with law enforcement, but the process was complex, and there were more stipulations. Furthermore, waiting periods for obtaining a residence permit could be a year or longer, which could result in victims missing important judicial deadlines in the meantime. The government reported that presumed and confirmed victims had access to services regardless of cooperation with law enforcement; however, civil society noted that outside the recovery and reflection period, access to legal aid, health services, and work permits without a residence

permit, which could sometimes take a year to obtain, was particularly challenging for undocumented presumed trafficking victims.

Courts permitted some victims of crime to testify by deposition or video conference, and the law entitled victims to psychological assistance during interviews. The government reported informing victims of their right to legal aid, to claim damages or request compensation, and to interpretation. In July 2021, the government also reported issuing a directive, initially proposed by a multisectoral working group to promote victim empowerment, which required documents to be easily understood by victims; consequently, specialized services revised the documents to simplify legal and procedural technical language. The government had a comprehensive witness protection program that could be utilized by trafficking victims, but it did not report whether any were afforded this protection during the reporting period. The government continued to lack comprehensive data on restitution, damages, and compensation awarded to victims. While prosecutors were not required to systematically request restitution during trials, courts awarded restitution to at least seven victims in 2020. Portuguese law allowed victims to file civil suits against their traffickers, but the government did not report whether any victims filed suits or if it awarded damages to any victims during the reporting period. Victims could seek compensation from the government if the convicted trafficker was unable to pay the awarded damages; however, the government did not report providing any such compensation to trafficking victims, and GRETA noted this rarely occurred. GRETA reported the lack of a specific provision in Portuguese law protecting victims from prosecution for unlawful acts traffickers compelled them to commit could leave victims vulnerable to individual prosecutors' decisions to bring charges. NGOs reported many victims were unwilling to come forward and cooperate with authorities for fear of prosecution.

PREVENTION

The government increased prevention efforts. The government's multistakeholder anti-trafficking network, the Support and Protection Network for Victims of Trafficking (RAPVT), met once in 2021 and was led by the national rapporteur on trafficking; RAPVT included representatives from various central and local government agencies and three NGOs. The government had a national anti-trafficking action plan for 2018-2021, which the National Rapporteur, under the auspices of the Commission for Citizenship and Gender Equality, monitored and coordinated. The government reported drafting but not adopting a new national action plan during the reporting period. In 2021, the government reported establishing two sub-working groups focused on human trafficking in the fishing industry around the Tagus River. In 2021, the government launched a one-day national awareness campaign by featuring a documentary film on the trafficking of women to all secondary schools in the country. One government-funded NGO launched 92 training sessions, reaching 1,897 beneficiaries, including police forces, social workers, health professionals, and the general public, and developed six awareness raising campaigns via social media; while another government-funded NGO developed an awareness campaign implemented in

the central and northern region of Portugal. The government had several websites dedicated to trafficking, including one specifically for children and one for migrants. The government reported funding several antitrafficking studies in 2021, but results were not available by the end of the reporting period. In early 2022, the SEF focused its efforts on refugees fleeing Russia's full-scale invasion of Ukraine by distributing trafficking awareness leaflets in Ukrainian, increasing patrols at the borders with Spain and at airports, and requiring all children entering as refugees to register with SEF to prevent cases of human trafficking. The government also formed an inter-ministerial committee to help coordinate efforts regarding Ukrainian refugees.

The government required temporary employment agencies to obtain a license to operate and prohibited them from charging a recruitment or placement fee to workers. Though illegal, the immigration and border service asserted that this practice still frequently occurred; recruitment companies would charge foreign workers for the issuance of employment contracts, social security registration, transportation, lodging, gas, water, and electricity, deducting funds directly from their salaries, which could increase vulnerability to debt bondage. Portuguese law criminalized passport withholding and contract switching. The government reported that foreign workers were able to change employers without prior government permission, which may have decreased their vulnerability to trafficking. However, fraudulent labor recruitment remained a concern during the reporting period. GRETA noted a need to strengthen monitoring and regulation of temporary employment and recruitment agencies, especially those employing and recruiting domestic workers. The government continued to make efforts to raise awareness among labor recruiters and brokers during the reporting period, including through the continued offering of workshops on corporate social responsibility pertaining to the prevention of human trafficking. Labor inspectors did not have the authority to identify trafficking victims, a dedicated budget, or staff to detect labor trafficking cases, but they could refer suspected labor trafficking cases to the police. The government did not report the number of labor inspections conducted in 2021 nor if any labor trafficking victims were identified as a result. Labor inspectors frequently conducted joint inspections with the immigration and border service when foreign workers were present, which may have intimidated undocumented victims and created a barrier to the identification of victims. The government signed bilateral work and recruitment agreements with India in September 2021 and with Morocco in January 2022, which set out legal guidelines for Indian and Moroccan migrants working in Portugal; however, no trafficking-related results were reported by the end of the reporting period. Each of the five multidisciplinary government-funded NGO teams operated a hotline available 24 hours a day and in several languages. Additionally, there was a shelter and protection center phone line also operated by a government-funded NGO and a government hotline for children in danger; however, the government did not report how many calls any of these hotlines received in 2021 or how many, if any, trafficking victims were identified as a result. The government reported it did not provide anti-trafficking training to its troops in 2021 prior to their deployment as peacekeepers due to pandemic-related restrictions. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Portugal, and traffickers exploit victims from Portugal abroad. The majority of trafficking victims are from India, Moldova, Pakistan, and Romania, but victims also originate from West Africa, Eastern Europe, Asia, and Latin America, specifically Brazil. Labor traffickers exploit foreign victims in agriculture, construction, and domestic service; seasonal migrant workers are especially vulnerable. Traffickers transport victims to farms located in the interior of the Alentejo region or western Portugal, where they are comparatively isolated. Cubans working in Portugal may have been forced to work by the Cuban government before the Government of Portugal ended the use of Cuban medical professionals in December 2019. Traffickers often use fraudulent recruitment methods to exploit Portuguese victims in restaurants, agriculture, and domestic service, primarily in Portugal and Spain. In 2022, Ukrainian refugees, predominantly women and children, fleeing Russia's full-scale invasion of Ukraine are vulnerable to trafficking. Sex traffickers exploit foreign women and children, mostly from Africa and Eastern Europe, and Portuguese women and children QATAR 456 within the country. Sex traffickers exploit Portuguese citizens in other countries, mostly in Europe. Traffickers exploit children from Eastern Europe, including Romani children, for forced begging and forced criminal activity in Portugal. Authorities report traffickers facilitate the transfer of asylum-seeking women and children, many from West Africa, to Portugal; traffickers obtain false documents before moving them to other European countries for sex trafficking. Sub-Saharan trafficking networks sometimes use Portugal as a route into the Schengen area to exploit children for both sex trafficking and forced labor.